



2876#

Application No. 09/769,289

THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9
7/2/02
amr

In re application of:

BISMARCK et al.

Art Unit: 2876

Appl. No: 09/769,289

Examiner: Uyen Chau N. LE

Confirmation No: 4823

Filed: January 26, 2001

Atty. Docket No: 31653-167874

For: METHOD OF AND APPARATUS
FOR MAKING COMPOSITE
CONTAINERS WITH
IDENTIFYING INDICIA

Customer No:



26694

PATENT TRADEMARK OFFICE

RECEIVED
MAY 28 2002
TC-2800 MAIL ROOM

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is an Information Disclosure Statement submitted under 37 C.F.R. § 1.97 within the time specified under 37 C.F.R. § 1.97(c)(2).

In order to comply with applicant's duty of disclosure under 37 C.F.R. § 1.56, the U.S. Patent and Trademark Office is notified of the documents which are listed on the attached Form PTO-1449 and which the Examiner may deem relevant to patentability of the claims of the above-identified application. One copy of each of the listed documents is submitted herewith.

The instant Information Disclosure Statement is being filed after the mailing date of a first Office action on the merits, but before receipt of an action that closes prosecution in the application. Accordingly, pursuant to 37 C.F.R. § 1.97(c)(2), a fee of \$180.00 is attached.

In accordance with 37 C.F.R. § 1.98(a)(3)(i), a concise explanation of the relevance of each of the references follows:

DE 196 45 630 A1 relates to a method for individually marking

180.00 DP

00000065 09769289
24/2002 ZJHAR1
FC:126

packaged products during the packaging process and will be explained in further detail below. Among other things, this reference also calls for providing a portion of the packaging with a marking, to convert this marking to information and to affix this information to the packaging.

The object of DE 196 45 630 A1 is to provide a method for marking products, which can be integrated into the packaging process with negligible expenditure. The goal is to prevent a detection of the marking itself with simple technical means and to prevent the removal of his marking without destroying it (lines 22-25/ page 2). The object of this reference is solved by doping at least a portion of the packaging or a packaging component with one or several chemical elements (lines 29-31/page 2; claim 1). The doping composition is variable and can be changed from batch to batch. Each batch is obviously assigned a composition selected from a plurality of possible combinations of elements, so that the batch can be identified by identifying the composition of the doping. To authenticate a product in question, the doped portion of the packaging must be subjected to an involved trace-analysis examination requiring several minutes, which cannot be carried out with simple means (lines 50-51/page 2).

DE 196 45 630 A1 furthermore suggests combining this doping – a first marking – with an easy to read second marking that is also affixed to the packaging, e.g. a number code or bar code (lines 58-61/page 2). Two markings are affixed in that case to the packaging, which is designed to achieve a defined allocation of the variable doping composition to one or several values of the second marking. The reference furthermore discloses (lines 58-61/page 5) that the doping can be converted to a number code (doping number code; third marking), which can also be affixed to the packaging.

The following example is designed to demonstrate the method. A batch A and a batch B of a product are produced, wherein each packaged product with batch A is provided with an X doping (first marking) and each packaged product with batch B is provided with a Y doping (first marking).

The packaged products with batches A and B are additionally provided with a consecutive number code (second marking). For this example, the last three packaged products with batch A must be provided with the numbers 13, 14, 15 (values for second marking) and the first two packaged products of batch B should have the consecutive numbers 16, 17 (values for second marking) of the number code.

The doping X is assigned to the numbers 13, 14, 15 and the doping Y to the numbers 16, 17. In a corresponding product record, known only to the original producer, it is additionally recorded that the packaged products containing batch A have X doping and the consecutive numbers ... 13, 14, 15 and that the packaged products containing batch B have Y doping and the consecutive number 16, 17 Thus, a package containing the number 13 but not the X doping can be recognized as counterfeit product, following a corresponding trace-analysis examination and a comparison to the product record. In cases where the doping is additionally converted to a doping number code and this code has been affixed with a device to the packaging, such that it can be read out (third marking), the value combination based on the number code value and the doping number code value can be compared to the production record during a check for counterfeit products. The doping number code in that case only represents an easier to read representation of the doping with chemical elements.

DE 196 45 630 A1 does not disclose a processing of characteristic markings of several packaging components to form an information that characterizes the assembled packaging container. It also does not disclose affixing this information to at least one packaging component of the packaging container. The document furthermore does not contain any references thereto.

EP 0 905 027 A1 relates to a method and a device for producing cigarette packs. According to this method and device, a non-imprinted area of the otherwise printed-on blank is individually imprinted in one region of the packaging machines, thus permitting a variable imprinting that can easily be adapted to market requirements. To be sure, means for providing the marking

are provided (printing unit 78, printing element 88), but the reference does not contain any information relating to or hint at the processing of affixed markings to information that characterizes the assembled packaging containers. It furthermore does not disclose means for doing so. In addition, the EP 0 905 027 A1 does not address the problem definition of the present application.

In view of the above, no further translation or statement of relevance is required, and as all requirements of 37 C.F.R. § 1.97 and all official guide lines pertaining to Information Disclosure Statements have been complied with, and it is therefore respectfully requested that the Examiner consider the documents and make them of record.

If no check is attached, please charge any necessary fee or credit any overpayment in connection with this Information Disclosure Statement to Deposit Account No. 22-0261.

Respectfully submitted,



Robert Kinberg
Registration No. 26,924
Chad C. Anderson
Registration No. 44,505
VENABLE
P.O. Box 34385
Washington, D.C. 20043-9998

Date: 05/23/02

Telephone: (202) 962-4800
Telefax: (202) 962-8300